

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID DANIELS, No. 2:03-cv-0400-MCE-GGH-P

Plaintiff,

NO. 2.03-CV-0400-MCL-JGII-F

V.

ORDER

W. YOUNG, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 22, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.¹ Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 22, 2007, are adopted in full; and
2. Defendants' motion for summary judgment, filed on March 20, 2006, is granted as to all defendants except defendant Yount; the only issue remaining is whether Yount set up plaintiff for a "gassing" attack.

Dated: March 22, 2007

Morrison C. England, Jr.

MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

¹ The last letter of the remaining defendant's name was mis-typed "Young" instead of "Yount" in the recommendation clause and is corrected herein.